

**Senate File 81 - Introduced**

SENATE FILE 81

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**A BILL FOR**

1 An Act relating to exemptions from the prohibitions of the  
2 smokefree air Act for some bars.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 142D.2, subsections 1 and 17, Code 2011,  
2 are amended to read as follows:

3 1. "Bar" means an establishment where one may purchase  
4 alcoholic beverages, as defined in section 123.3, for  
5 consumption on the premises and in which ~~the serving of food is~~  
6 ~~only incidental to the consumption of those~~ sixty percent or  
7 more of the gross revenue of the establishment is derived from  
8 the sales of such beverages.

9 17. "Restaurant" means an eating establishments  
10 establishment, including a private and or public school  
11 cafeterias cafeteria, which ~~offer~~ offers food to the public,  
12 guests, or employees, including the kitchen and catering  
13 facilities in which food is prepared on the premises for  
14 serving elsewhere, and including ~~a bar~~ an area within a  
15 restaurant where one may purchase alcoholic beverages, as  
16 defined in section 123.3, for consumption on the premises.

17 Sec. 2. Section 142D.3, subsection 2, paragraph b, Code  
18 2011, is amended by striking the paragraph.

19 Sec. 3. Section 142D.4, subsection 10, Code 2011, is amended  
20 to read as follows:

21 10. Only the gaming floor of a premises licensed pursuant  
22 to chapter 99F exclusive of any bar or restaurant located  
23 within the gaming floor which is an enclosed area and, unless  
24 otherwise exempt pursuant to subsection 12, subject to the  
25 prohibitions of section 142D.3.

26 Sec. 4. Section 142D.4, Code 2011, is amended by adding the  
27 following new subsection:

28 NEW SUBSECTION. 12. A bar to which only individuals  
29 twenty-one years of age and older are invited and allowed  
30 entrance.

31 EXPLANATION

32 This bill amends the smokefree air Act (Code chapter 142D)  
33 relating to bars. The bill redefines "bar" under the Act  
34 to provide that a bar is an establishment in which alcoholic  
35 beverages may be purchased for consumption on the premises

1 and in which at least 60 percent of the gross revenue of the  
2 establishment is derived from the sales of such beverages. The  
3 bill changes the definition of "restaurant" to include areas of  
4 the restaurant where alcoholic beverages can be purchased and  
5 consumed rather than referring to the new definition of "bar".

6 The bill exempts bars to which only individuals 21 years  
7 of age and older are invited and allowed entrance from  
8 the smoking prohibitions of the Act. The bill changes the  
9 reference to bars that are located within gaming floors to  
10 reflect the exemption. The bill also eliminates the provision  
11 prohibiting smoking in the outdoor seating and serving areas  
12 of restaurants.